

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1406 of 2024

Arising Out of PS. Case No.-424 Year-2023 Thana- CHAINPUR District- Kaimur (Bhabua)

Ram Awatar Yadav, aged about 52 years, Male, S/o Jhinardev Yadav, R/o vill -
Nandana, P.S. - Chainpur, Distt. - Kaimur at Bhabua.

... .. Appellant

Versus

1. The State of Bihar.
2. Jitendra Ram, S/o Late Vijjan Ram, R/o vill - Hatta, P.S. - Chainpur, Distt. - Kaimur at Bhabua.

... .. Respondents

Appearance :

For the Appellant	:	Mr. Rajendra Narayan, Senior Advocate, Mr. Praveen Kumar, Advocate and Mr. Uday Singh, Advocate
For the State	:	Mrs. Usha Kumari I, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 27-06-2024 Heard learned senior counsel for the appellant and
learned Spl. P.P. for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal for prayer of bail of the appellant vide order dated 06.02.2024, passed by the learned Special Judge, Kaimur at Bhabua, in connection with Chainpur P.S. Case No. 424 of 2023 registered for the offences punishable under Sections 302, 504/34 of the I.P.C. and Sections 3(1)(r)(s) and 2(v) of the SC/ST Act.



3. The prosecution case, in brief, is that the informant was working in his field with other persons and his 12 years old daughter went to pluck green leaves (sag) at some distance. At that very time, the appellant alongwith his son Gaurav Yadav and two other persons came and started abusing the informant's daughter by calling her caste name. The appellant and his son Gaurav Yadav assaulted the daughter of the informant with lathi-danda and strangulated her with her scarf. The informant's daughter died on the way to the hospital.

4. It is submitted by learned counsel for the appellant that the appellant is quite innocent and has falsely been implicated in the present case due to ulterior motive. It is further submitted that the appellant has not assaulted the deceased with lathi-danda. The appellant is a respected person of the society and only to humiliate him the present false and fabricated case has been filed against the appellant. The appellant is in custody since 02.01.2024. The appellant has one criminal antecedent in which he is on bail as stated in paragraph no. 3 of the memo of appeal. It is further submitted that no member of public was present at the relevant point of time of the alleged incident. Hence, no offence under the SC/ST Act is made out against the appellant.



5. Learned Spl. P.P. for the State has vehemently opposed the prayer for bail of the appellant. It is further submitted by learned Spl. P.P. for the State that that the appellant alongwith his son Gaurav Yadav have assaulted the informant's daughter with lathi-danda and strangled her with her scarf, as a result of which, she died. As per the postmortem report, the cause of death is haemorrhage and shock due to above mentioned injury caused by hard and blunt substance.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned Spl. P.P. for the State, this Court is not inclined to set aside the impugned order dated 06.02.2024, passed by learned Special Judge, Kaimur at Bhabua, in connection with Chainpur P.S. Case No. 424 of 2023.

7. Accordingly, prayer for bail of the appellant is rejected.

8. Learned court below is directed to conclude the trial of the appellant at the earliest.

(Chandra Prakash Singh, J)

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